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CONGRESSIONAL RECORD — SENATE

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paid. The Air Force further notes that the indebtedness resulted in pay from administrative error and in part from circumstances related to the case. It further states that it regrets any error made in this case and the circumstances which led to the establishment of the indebtedness. The casual payments which form the basis of the indebtedness had not been properly recorded in Mr. Smith's pay accounts. The payments which were proper at the time were made and but for the fact that Mr. Smith was given an early discharge on the grounds of hardship, they would have been properly recorded in his pay account so that they would have been recognized at the time of his discharge.

The Air Force recognizes that when Mr. Smith requested these payments, he knew they represented pay and allowances due him. The Air Force further states that there is no evidence that at the time he received his final pay at the time of discharge he was aware that all the casual payments had not been recorded in his pay accounts. For these reasons, the Air Force stated that any question as to his good faith in the situation should be resolved in his favor.

In connection with its consideration of this bill, the committee secured additional information concerning the circumstances of Mr. Smith. The committee is advised that Mr. Smith has a wife and four children. The advance payments which are the subject of this bill were made to him in order to ease his problems in settling his family before he was sent overseas. His problems in this connection were complicated by a succession of changes in his orders and a disruption in allotments made to his family. After he was given a hardship discharge because of his family situation, he was unable to find work in Minnesota and moved to Maine. There a fifth child was born to the family and the child died a short period following birth. The wife subsequently required hospitalization for surgery and in March of 1969, the family suffered additional loss and difficulty when their home burned.

In view of the circumstances of this case and the indication by the Department of the Air Force that it would not object to the legislation, it is recommended that the bill be considered favorably.

The committee believes the bill is meritorious and recommends it favorably.

#### SGT. ERNIE D. BETHEA, U.S. MARINE CORPS (RETIRED)

The bill (H.R. 3753) for the relief of Sgt. Ernie D. Bethea, U.S. Marine Corps (retired), was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-289), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

##### PURPOSE

The purpose of the proposed legislation is to relieve Sgt. Ernie D. Bethea, U.S. Marine Corps (retired), of Newark, N.J., of liability to the United States in the amount of \$316.79, representing an overpayment of his active duty pay while serving in Vietnam with the Marine Corps.

##### STATEMENT

The facts of this case as contained in House Report No. 92-111 are as follows:

The Department of the Navy in its report to the committee on a similar bill in the 91st Congress stated that it supports the enactment of the legislation.

The records of this Department reveal that Sergeant Bethea was severely wounded in

action in Vietnam on May 4, 1967. He was treated at the 3d Medical Battalion, 3d Marine Division, and evacuated to the U.S. Air Force Hospital, Clark Air Force Base, Philippines, on May 6, 1967. Sergeant Bethea was then air evacuated to the U.S. Naval Hospital, St. Albans, N.Y., on May 13, 1967, and finally transferred to the Veterans' Administration hospital, East Orange, N.J., on November 7, 1967. Sergeant Bethea's wounds resulted in the complete loss of use of his right arm, as well as other less serious impairments. As a result of his injuries, Sergeant Bethea was retired for physical disability on November 30, 1967.

Through administrative error, Sergeant Bethea continued to be paid active-duty pay and allowances for a short period after his retirement. As a consequence, he was overpaid \$316.79 and became indebted to the United States in that amount. During the period from July 1 through November 30, 1967, Sergeant Bethea earned active-duty pay and allowances of \$1,379.35. During this same period he received payments totaling \$899, plus authorized or required pay deductions for allotments, FICA tax, withholding tax and servicemen's group life insurance premiums of \$373.40, or total charges against his account of \$1,272.40. Thus, as of November 30, 1967, the date of his retirement, the sum of \$106.95 was due and unpaid to Sergeant Bethea. However, through administrative error, he received payments of \$78, \$90.74, \$85, \$85, and \$85 on December 15 and December 30, 1967, January 15 and January 30, 1968, and February 15, 1968, respectively—a total of \$423.74. The erroneous payment of \$423.74 was in addition to retired pay which Sergeant Bethea was paid commencing on December 1, 1967, at the monthly rate of \$118.92. This erroneous payment, offset by the \$106.95 which was due and unpaid at the time of separation, gives rise to Sergeant Bethea's debt of \$316.79.

In its report to the committee, the Department of the Navy outlined its policy concerning bills intended to relieve individuals of liability for overpayments. It stated that the Navy opposes legislation designed to relieve an individual of liability unless the indebtedness was occasioned through no fault of the service member and unless the overpayment was such that it was not detectable and could not reasonably have been expected to be detectable. The Navy investigation found no indication that the overpayment was the result of any fault or negligence on the part of Sergeant Bethea. The Navy further observed that the short duration of the overpayment makes it understandable that the overpayment could not be immediately detected. It, therefore, concluded that, under the circumstances, it is considered reasonable that Sergeant Bethea would accept the payments without questioning them.

The Navy notes that civilian employees under section 5584 of title 5 of the United States Code may be relieved for overpayments of pay where it is determined that the collections of the claim would be against equity and good conscience and not in the best interest of the United States. The Navy noted that the overpayment in Sergeant Bethea's case appears to be an analogous situation involving the overpayment of military pay.

In view of the facts of the case and the favorable position of the Department of the Navy, it is recommended that the bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends favorable consideration.

#### TRIBUTES TO THE LATE SENATOR RICHARD B. RUSSELL

The resolution (S. Res. 149) to print additional copies of tributes to the late

Senator Richard B. Russell of Georgia, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

##### S. RES. 149

*Resolved*, That there be printed concurrently with the usual press run six hundred additional copies of Tributes to the late Senator Richard B. Russell of Georgia, for the use of the Senate Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-290), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The printing-cost estimate, supplied by the Public Printer, is as follows:

##### Printing-cost estimate

600 additional copies at \$1.990 per thousand	\$1,194
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#### ORGANIZED CRIME

The resolution (S. Res. 152) authorizing the printing for the use of the Committee on Government Operations of additional copies of part 1 of its hearings entitled "Organized Crime," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

##### S. RES. 152

*Resolved*, That there be printed for the use of the Committee on Government Operations one thousand and six hundred additional copies of part 1 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-second Congress, first session, entitled "Organized Crime".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-291), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 152 would authorize the printing for the use of the Committee on Government Operations of 1,600 additional copies of part 1 of the hearings before its Permanent Subcommittee on Investigations during the 92d Congress, first session, entitled "Organized Crime".

The printing-cost estimate, supplied by the Public Printer, is as follows:

##### Printing-cost estimate

1,600 additional copies at \$721.87 per thousand	\$1,155
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#### AUTHORIZATION FOR SPECIAL SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

The Senate proceeded to consider the resolution (S. Res. 140) authorizing special supplementary expenditures by the Committee on Foreign Relations for an inquiry and investigation pertaining to the making of policy relating to U.S. involvement in Southeast Asia, which had been reported from the Committee on Rules and Administration, with amendments. The amendments of the Committee on Foreign Relations are as follows:

On page 2, line 4, after the word "through",

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General in a similar report questioned result.

Arnold David Smith served as a Machinery Department, Third Class, in the Navy. He enlisted on April 29, 1959, and on January 30, 1961, was discharged for the purpose of immediate reenlistment. He reenlisted in the Navy January 31, 1961 for 6 years. This date is important because at the time of his reenlistment, his leave balance from his previous period of service was carried forward to his new leave record. At that time he had earned 13 days of leave which should have been carried forward; however, in posing the leave, Navy personnel incorrectly showed the amount as 30 days. The error created by this erroneous action was carried forward on his leave record until his honorable discharge on April 6, 1967. At that time he was paid for the remaining portion of his accrued leave which, unfortunately, included the erroneous balance. The report of the Comptroller General, which is set forth at the end of this report, has debated the circumstances and figures involved in the computation which is the basis for the overpayment referred to in the bill.

The Department of the Navy in its report in indicating that it had no objection to the bill's enactment stated that since the administrative failure to recognize this error extended for more than 5 years, relief is merited.

The committee concurs with the action of the House of Representatives and believes that relief should be granted under these particular circumstances and recommends that the bill be considered favorably.

#### JULIUS L. GOEPPINGER

The bill (H.R. 2110) for the relief of the estate of Julius L. Goepfingcr, was considered, ordered to a third reading, and the third time, and passed.

MR. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-287), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

##### PURPOSE

The purpose of the proposed legislation is to authorize payment by the Commodity Credit Corporation of \$1,213.51 to the Estate of Julius L. Goepfingcr in full settlement of the claim of the estate for the amount of a sight draft issued to the decedent on August 13, 1957, and rendered nonnegotiable by the Corporation on December 19, 1968.

##### STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The Department of Agriculture in its report to the committee on a similar bill in the 91st Congress stated it did not recommend enactment.

The sight draft referred to in the bill is a draft of the Commodity Credit Corporation bearing the number G-2279466. The original draft has been furnished to the committee in connection with its consideration of the bill. It is dated August 13, 1957, and provides for a payment of \$1,213.51. It was made payable to Julius L. Goepfingcr, Box 357, Boone, Iowa. The payment evidenced by the draft was to have been made in connection with his 1946 corn program. When it was presented, the Commodity Credit Corporation refused to pay the claim because more than 10 years had elapsed from the date of the sight draft. The Board of Directors had adopted a policy that claims against the Corporation might be paid if received within 10 years from the date which the claim first accrued.

It was pointed out that sight drafts drawn on the Treasury of the United States (31 U.S.C. 132) were not accepted for payment after the 10-year period in accordance with the policy adopted by the Commodity Credit Corporation. The Department of Agriculture in its report to the committee has referred to this policy. It further has stated that departmental records relating to the matter have been destroyed. The Department therefore took the position that it was impossible to determine whether the claim was satisfied by a substitute draft issued during the life of Mr. Goepfingcr.

The material submitted to the committee by the sponsor of the legislation includes some evidence of the executor of the estate. The executor pointed out that on December 3, 1968, he enclosed 10 Commodity Credit Corporation drafts payable to his brother with a letter to the manager of the McCook County ASCS office in Salem, S. Dak. He pointed out these drafts were issued for various years dating back to 1957. The other drafts had to do with the feed program, while the check which is the subject of this bill had to do with a 1956 corn purchase agreement. At that time, Mr. Walter W. Goepfingcr requested the reissuance of substitute drafts. The executor explained that in addition to the Government checks, many dividend checks from various companies were found among his brother's effects. He had not cashed these checks for a period of more than 10 years prior to his death. The executor pointed out that this is additional evidence of the fact that no substitute check was issued for the one referred to in the bill.

The information submitted to the committee in connection with this matter indicates that for a number of years, the decedent, Julius L. Goepfingcr, had suffered various illnesses. In the fifties his eyesight began to fail due to retinal deterioration. During this period, he allowed his business affairs to deteriorate and did as little book-work as possible. Apparently, it was in this period that the checks found in his effects were put away and not cashed.

As was noted at the outset, because of the policy of the Commodity Credit Corporation, payment was refused on the sight draft referred to in the bill. Ultimately, the draft itself marked "cancelled" and with the signatures cut off was returned to Mr. Walter W. Goepfingcr by the manager of the McCook County ASCS office. It is this original document that has been filed with the committee. After a review of all of the facts including those outlined above, the committee has concluded that there is sufficient evidence to conclude that no payment was ever made on this Government obligation. Accordingly, it is recommended that the bill be considered favorably.

#### CHARLES C. SMITH

The bill (H.R. 2246) for the relief of Charles C. Smith, was considered, ordered to a third reading, read the third time, and passed.

MR. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-288), explaining the purposes of this measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

##### PURPOSE

The purpose of the proposed legislation is to relieve Charles C. Smith of Cape Neddick, Maine, of liability of \$446.37, representing the amount remaining due on the date of his discharge as the result of casual payments paid him in connection with a transfer to Vietnam in 1965.

##### STATEMENT

In its favorable report on the bill, the Committee on the Judiciary of the House of Representatives said:

The Department of the Air Force in its report to the committee on a similar bill in the 91st Congress indicated that it would have no objection to a bill providing relief as is provided in H.R. 2246 with the amendment recommended by the committee.

Mr. Charles C. Smith enlisted in the Air Force July 19, 1954, and served until he was discharged at Duluth, Minn., on December 29, 1965. The payments which are referred to in the bill were made as a result of a situation which developed after June of 1965 when orders were issued transferring Sgt. Charles C. Smith from Luke Air Force Base, Ariz., to Vietnam. The report of the Air Force explains that under current regulations, an Air Force member, in a travel status in connection with a permanent change of station, may apply at any Air Force installation for a "casual payment" if he encounters financial difficulties. The casual payment is entered on his military pay record and set off against his current pay. Following his departure from Luke Air Force Base on June 28, 1965, and prior to his arrival in Vietnam on October 18, 1965, Mr. Smith applied for and received casual payments at a number of Air Force installations. Because of dependency hardship, he was returned to the United States on December 20, 1965, and discharged December 29, 1965. On the date of his discharge he was paid a lump-sum payment of \$507.58 representing payment for 41 days' accrued leave.

Early in 1966, the Accounting and Finance Officer at Tan Son Nhut Air Base, Vietnam, notified the Air Force Accounting and Finance Center (AFAPC) that he had recently received notice of five casual payments made to Mr. Smith by other Air Force bases. Since it appeared that these payments had not been collected, AFAPC initiated an audit of Mr. Smith's pay account. This audit verified that the five casual payments, total \$794, had not been collected prior to his discharge. It also showed that he had been erroneously paid \$2.17 hostile fire pay for December 30, 1965, the day after he was discharged. However, his leave had been erroneously computed and he should have been paid for 51 days' accrued leave rather than for 41 days. The additional 10 days' leave was computed at \$123.80. In addition, the audit revealed that a casual payment of \$226 had erroneously been charged to and collected from Mr. Smith by the Accounting and Finance Officer in Bangkok, Thailand, where Mr. Smith's pay account was being maintained. The audit showed that Mr. Smith owed the United States a total of \$796.17 which was reduced to \$446.37 by applying the \$349.80 found to be to his credit.

After Mr. Smith had been discharged, the audit established the amount of the indebtedness. After some delay, on August 30, 1967, an explanation of the debt was sent him in Maine. The Air Force report notes that under the authority of Public Law 89-508, it is possible to compromise a claim on the part of the United States when it appears that the person owing the money does not have the present or prospective ability to pay any significant sum on the claim or that the cost of collecting the claim is likely to exceed the amount of recovery. When it was found that Mr. Smith was employed at the Portsmouth Naval Shipyard in Kittery, Maine, the Government acted to collect the indebtedness by making deductions from his biweekly pay. When his job at the naval shipyard was terminated on October 18, 1968, the Government had collected \$105 and a balance remaining owing of \$341.37.

In its report, the Air Force notes that there are no administrative procedures under which Mr. Smith may be relieved of the amount of liability to repay the amount remaining due or to refund the amount re-

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strike out "June 30, 1973" and insert "February 29, 1972"; in line 14, after the word "through", strike out "June 30, 1972" and insert "February 29, 1972"; and at the beginning of line 19, insert "including, but not limited to—

"(a) the machinery for the making and conduct of foreign policy relating to national security;

"(b) institutional arrangements within Congress for handling foreign policy matters involving national security;

"(c) congressional access to executive branch personnel and documents and the doctrine 'executive privilege';

"(d) procedures for classifications and declassification of documents; and

"(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries."

The amendments of the Committee on Rules and Administration are as follows:

On page 2, line 15, after the word "of", strike out "\$250,000" and insert "\$100,000"; on page 3, at the beginning of line 8, strike out, "Of such \$250,000, not to exceed \$100,000 may be expended for the procurement of individual consultants or organizations thereof."; in line 10, after the word "the", insert "first"; in line 17, after the word "resolution", insert "Of such \$100,000, not to exceed \$50,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof."; and, on page 4, line 1, after the word "than", strike out "June 30, 1973" and insert "February 29, 1972".

So as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to, through February 29, 1972, for the purpose stated in section 2 and within the limitations hereinafter imposed in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The Committee on Foreign Relations, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 29, 1972, to expend not to exceed the sum of \$100,000 to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia, including, but not limited to—

(a) the machinery for the making and conduct of foreign policy relating to national security;

(b) institutional arrangements within Congress for handling foreign policy matters involving national security;

(c) congressional access to executive branch personnel and documents and the doctrine of "executive privilege";

(d) procedures for classification and declassification of documents; and

(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries.

Such sum is in addition to the first amount

specified in section 2 of Senate Resolution 26, Ninety-second Congress, agreed to March 1, 1971, and was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution. Of such \$100,000, not to exceed \$50,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof.

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to the study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 29, 1972.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendments were agreed to.

The resolution, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-292), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 140 as referred would authorize the Committee on Foreign Relations, or any subcommittee thereof, from the date of its approval through February 29, 1972, to expend not to exceed \$250,000 (of which amount not to exceed \$100,000 could be expended by the committee for the procurement of individual consultants or organizations thereof) to examine, investigate, and make a complete study of any and all matters pertaining to the making of policy relating to United States involvement in Southeast Asia, including, but not limited to—

(a) the machinery for the making and conduct of foreign policy relating to national security;

(b) institutional arrangements within Congress for handling foreign matters involving national security;

(c) congressional access to executive branch personnel and documents and the doctrine of "executive privilege";

(d) procedures for classification and declassification of documents; and

(e) arrangements for appropriate congressional participation in and oversight of executive branch agreements with and commitments to foreign countries.

These funds would be in addition to the \$325,000 authorized for use by that committee by section 2 of Senate Resolution 26, agreed to March 1, 1971.

After consultation with the Committee on Foreign Relations, the Committee on Rules and Administration has amended Senate Resolution 140 by reducing the requested amount from \$250,000 to \$100,000. (The portion of that amount which could be expended by the committee for the procurement of consultants has been reduced to \$50,000).

Additional amendments to Senate Resolution 140 approved by the Committee on Rules and Administration are as follows:

(1) On page 3, beginning with "OR" in line 4, strike out through the period in line 6.

(2) On page 3, line 6, immediately before "amount" insert "first".

(3) On page 3, line 13, after the period,

insert the following: "Of such \$250,000, not to exceed \$100,000 (which shall be in addition to the second amount specified in such section 2) may be expended for the procurement of individual consultants and organizations thereof."

(4) On page 3, lines 18 and 19, strike out "June 30, 1973" and insert in lieu thereof "February 29, 1972".

The first three are technical or perfecting amendments, necessary to put the proposal in due form. Amendment (4) would provide that, consistent with Rules Committee policy, the reporting date would not extend beyond the terminal date of the authorization itself.

Pursuant to the requirement stipulated in section 133(g) of the Legislative Reorganization Act of 1946, Senate Resolution 140 contains the following statement of the reason why authorization for the expenditures described therein could not have been sought at the time of the submission by such committee of an annual authorization resolution for this year:

"Such sum \* \* \* was not included in that resolution because at the time at which that resolution was considered there was insufficient information to determine the scope of, and the total amount of expenditures required by, the study to be undertaken pursuant to this resolution."

#### AUTHORIZATION OF APPROPRIATIONS FOR THE COMMISSION

The bill (H.R. 7271) to authorize appropriations for the Commission on Civil Rights was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-293), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE AND COSTS

The purpose of H.R. 7271 is to increase the annual authorization for the Commission on Civil Rights from \$3,400,000 to \$4 million.

The committee estimates that the increased authorization provided by H.R. 7271 would entail an additional cost of not more than \$600,000 for fiscal 1972. Under existing law, the term of the Commission on Civil Rights expires January 31, 1973 (sec. 1975c(b), title 42, United States Code). Unless the term of the Commission is extended, it is expected that fiscal 1973 appropriations will be a pro-ration of this amount. The accompanying table sets forth an itemized explanation of the proposed \$600,000 increase in the Commission's annual authorization for appropriations:

#### U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN FISCAL YEAR 1972 BUDGET REQUEST, BY OBJECT CLASSIFICATION

[In thousands of dollars]

	Fiscal year 1971 estimate	Fiscal year 1972 estimate	Increase
Personnel compensation:			
Permanent positions <sup>1</sup> .....	2,094	2,381	287
Positions other than permanent <sup>2</sup> .....	136	149	13
Other personnel compensation <sup>3</sup> .....	32	32	.....
Special personal service payments <sup>4</sup> .....	2	2	.....
Total personnel compensation.....	2,264	2,564	300

Footnotes at end of article.

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U.S. COMMISSION ON CIVIL RIGHTS—INCREASE IN  
FISCAL YEAR 1972 BUDGET REQUEST, BY OBJECT  
CLASSIFICATION—Continued

(in thousands of dollars)

	Fiscal year 1971 estimate	Fiscal year 1972 estimate	Increase
Personnel benefits <sup>1</sup>	164	191	27
Travel and transportation of persons	238	280	42
Transportation of things <sup>2</sup>	9	9	
Postage, communications, <sup>3</sup> and miscellaneous	202	232	30
Printing and reproduction <sup>4</sup>	146	167	21
Other services <sup>5</sup>	236	270	34
Supplies and materials <sup>6</sup>	49	54	5
Equipment <sup>7</sup>	15	33	18
Total obligations	3,323	3,800	477

<sup>1</sup> This represents an estimated increase in permanent positions from 160 to 185.<sup>2</sup> Temporary and part-time employees, Commission consultants and experts, and Commissioners.<sup>3</sup> Primarily employee overtime.<sup>4</sup> Reimbursable details, such as the payment to a person detailed temporarily from another agency.<sup>5</sup> Retirement, social security, and health benefits.<sup>6</sup> Includes transportation of materials to and from hearing

sites and the movement of household goods when an employee of the Commission transfers to a field office.

<sup>7</sup> Rent applies only to the rent of the Commission's field offices; the rent for the Commission's Washington office is paid by GSA.<sup>8</sup> Total communications cost was \$125,131 for fiscal 1971; mandatory increase of FTS cost for fiscal year 1972 is estimated at \$20,000.<sup>9</sup> Costs of printing reports of Commission and State advisory committees.<sup>10</sup> This item includes program contracts and contractual services. The GSA service contract for payroll, financial, reporting, security investigations, messenger and other office services, cost the Commission \$39,000 in fiscal 1971.<sup>11</sup> This item includes library purchases and periodical subscriptions.<sup>12</sup> Item includes office machines and furniture.<sup>13</sup> The \$200,000 difference between the \$3,800,000 appropriation request and the \$4,000,000 authorization request would be used as authority for the Commission to be included in any Government-wide supplemental appropriation requests made necessary by mandatory Federal salary increases.

Note: Table submitted by U.S. Commission on Civil Rights.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-294), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## SHORT EXPLANATION

Under existing law, up to 1 percent of the national peanut acreage allotment may be reserved for apportionment to new peanut farms. This results in some shifting of allotment as between States. Under the bill a separate reserve for each State would be authorized to be taken out of that State's allotment in lieu of the national reserve now authorized to be taken from the national allotment. The purpose of this legislation is to prevent the shifting of allotment as between States.

The following two tables submitted by the Department of Agriculture show the small acreage which has been involved in recent years (1,610 acres nationally) and the States affected:

## NEW FARM PEANUT ALLOTMENTS

The bill (H.R. 8217) to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938 was considered, ordered to a third reading, read the third time, and passed.

TABLE 1.—PEANUT ALLOTMENT ACREAGE ALLOCATED TO NEW FARMS FROM NATIONAL RESERVES BY YEARS 1967-71

State and area	1967		1968		1969		1970		1971	
	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms	Withheld from national reserve	Allocated new farms
<b>Virginia Carolina area:</b>										
North Carolina	168.6	20.0	168.5	18.0	168.3	13.0	168.1	7.0	168.0	24.0
Tennessee	3.6	19.3	3.6	0	3.6	0	3.6	0	3.6	0
Virginia	105.3	0	105.2	3.0	105.1	3.0	105.0	10.0	104.9	60.0
Total	277.5	39.3	277.3	21.0	277.0	16.0	276.7	17.0	276.5	84.0
<b>Southeast area:</b>										
Alabama	217.7	23.5	217.6	5.0	217.4	0	217.1	28.9	217.0	5.0
Florida	55.3	93.2	55.4	91.0	55.4	126.3	55.5	65.3	55.5	64.5
Georgia	528.6	807.0	528.9	876.1	529.2	742.7	529.4	833.1	529.7	662.5
Mississippi	7.6	0	7.5	0	7.5	0	7.5	0	7.5	0
South Carolina	13.9	2.0	13.9	28.4	13.9	41.2	13.9	0	13.9	4.0
Total	823.9	925.7	823.1	1,000.5	823.4	910.2	823.4	927.3	823.6	736.0
<b>Southwest area:</b>										
Arkansas	4.2	0	4.2	7.2	4.2	0	4.2	0	4.2	0
Louisiana	2.0	0	2.0	0	1.9	0	1.9	0	1.9	0
New Mexico	5.6	57.0	5.6	46.0	5.7	91.5	5.7	26.2	5.8	28.1
Oklahoma	138.6	145.8	138.5	41.0	138.5	118.4	138.4	137.0	138.4	73.7
Texas	357.3	384.8	357.3	413.8	357.4	473.9	357.5	502.5	357.7	688.2
Total	507.7	587.6	507.6	538.0	507.7	683.8	507.7	665.7	508.0	790.0
<b>Other States:</b>										
Arizona	.7	0	.7	50.5	.8	0	.8	0	.8	0
California	.9	57.4	.9	0	.9	0	.9	0	.9	0
Missouri	.2	0	.2	0	.2	0	.2	0	.2	0
Total	1.8	57.4	1.8	50.5	1.9	0	1.9	0	1.9	0
<b>Total</b>	<b>1,610.0</b>	<b>1,613.0</b>	<b>1,610.0</b>	<b>1,610.0</b>	<b>1,610.0</b>	<b>1,610.0</b>	<b>1,610.0</b>	<b>1,610.0</b>	<b>1,610.0</b>	<b>1,610.0</b>

TABLE 2.—COMPARISON OF 1967 AND 1971 NATIONAL PEANUT ACREAGE ALLOTMENTS BY STATES AND AREAS AND NET CHANGE DURING THE 5-YEAR PERIOD

(Acres)

State and area	1967 <sup>1</sup>	1971 <sup>1</sup>	Net change	State and area	1967 <sup>1</sup>	1971 <sup>1</sup>	Net change
<b>Virginia-North Carolina area:</b>				<b>Southwest area:</b>			
North Carolina	168,441	167,338	-603	Arkansas	4,198	4,184	-14
Tennessee	3,621	3,606	-15	Louisiana	1,953	1,945	-8
Virginia	105,199	104,383	-316	New Mexico	5,623	5,787	+164
Total	277,261	276,327	-934	Oklahoma	138,575	138,346	-229
<b>Southeast area:</b>				Texas	357,300	357,998	+698
Alabama	217,526	216,747	-779	Total	507,649	508,260	+611
Florida	55,386	55,490	+104	<b>Other States:</b>			
Georgia	528,835	529,356	+521	Arizona	714	761	+47
Mississippi	7,520	7,492	-28	California	991	930	-61
South Carolina	13,871	13,891	+20	Missouri	247	247	0
Total	823,138	823,476	+338	Total	1,952	1,938	-14
				<b>U.S. total</b>	<b>1,610,000</b>	<b>1,610,000</b>	

<sup>1</sup> Total apportionment to both old and new farms rounded to whole acres. Excludes any acreage increase for type in short supply.

# GAO Rules Laird Must Produce Report or Face Foreign Aid Halt

By Michael Getler  
Washington Post Staff Writer

Comptroller General Elmer B. Staats ruled yesterday that the administration's request for about \$1 billion in foreign military aid next year will be denied unless the Pentagon complies with a Senate Foreign Relations Committee demand to see the military's five-year foreign aid plan or unless President Nixon invokes executive privilege to keep that plan from Congress.

The ruling supports committee Chairman J. W. Fulbright (D-Ark.) in his running battle with Defense Secretary Melvin R. Laird over release of the long-range plan. Laird contends there is no such plan.

The action also sets the stage for a showdown between the committee and the Executive Branch over the right of the administration to withhold certain types of information from Congress which the lawmakers maintain they need in their budgeting deliberations.

Fulbright, most recently on July 28, asked Laird for a copy of the "current five-year plan" on military aid. Laird, saying he wanted to cooperate, maintained, however, that "no document or documents which constitute a 'current five-year plan' for the Military Assistance Program" exist in the Defense Department.

Fulbright has contended that two years of correspondence with Laird and congressional

sional testimony this year by other defense officials have shown that such a plan does in fact exist.

The General Accounting Office, in its ruling yesterday, backed up Fulbright's contention and also said that in its view, Fulbright's letter of July 28 made it sufficiently clear what materials the committee

wanted, whether or not they were precisely labeled as a "current five-year plan."

On July 28, Fulbright's committee, which includes Senate Republican leader Hugh Scott, also voted unanimously to invoke the authority of Section 634 (c) of the 1961 Foreign Assistance Act.

See RULING, A19, Col. 1

## RULING, From A1

That act, as Staats explained yesterday, provides that foreign assistance funds are "cut off 35 days after the committee requests a document relating to such activities unless either the document is furnished or the President certifies that he has forbidden that it be furnished and gives his reasons for refusal."

Staats said the GAO, which he heads, is of the opinion that the 35-day period started on July 28, and that if either the documents or presidential action are not forthcoming by Sept. 1, then "we will immediately advise the President and the secretaries of Defense, State and Treasury that . . . funds for the entire Military Assistance Program will not be available for further expenditure or obligation" until the

conditions of the law are met.

The GAO's legal authority to hold up budget requests has never been challenged, although it has come close at least once. That authority stems from the 1921 act setting up the GAO as the congressional watchdog agency.

At the Pentagon, officials refused to comment on the GAO action. Both the Penta-

gon and State Department are known to be reluctant to provide long-range military foreign-aid plans for fear that they could cause dissension among the recipient countries.

While few officials were willing to speculate on the outcome of the current impasse, those who would assess the situation in the Pentagon

and on Capitol Hill tended to conclude that the Pentagon would eventually provide some documents to the committee.

The \$1-billion military-aid request includes money for Greece, Turkey, Cambodia, South Korea, Taiwan, Indonesia, Spain and some Latin American and African nations.